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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,068	10/21/2004	Manabu Abe	XA-10199	8611

181 7590 09/27/2005

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

ARCE DIAZ, MARLON A

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/512,068

Applicant(s)

ABE ET AL.

Examiner

Michael T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country. Please make note of it in the beginning of the specifications.

Specification

2. The disclosure is objected to because of the following informalities: Foreign priority has not been claimed on the first page of the description section. The phrase "...due to a use for a long period of time" (page 2 lines 17-18) is unclear. The word "to" in the phrase "must be set to smaller by the amount" (page 6 line 8) should be removed. It is unclear what amount the applicant is referring to, in the phrase "However, with an increase...by that amount" (page 7 lines 5-7). Include the word "is" between "volume sufficiently" (page 7 line 7). The word "is" should be removed from the phrase "...the amount of deflection is can be suppressed" (page 9 lines 8-9). "Housing main body 110" should be replaced with "Housing main body 101" (page 13 lines 14-15). "...on the metal member 421b..." should be replaced with "...on the metal member 421a..."

Appropriate correction is required.

Claim Objections

3. Claims 1-3 are objected to because of the following informalities: It is unclear which housing claimed since there are two different housing (housing main body 101 and rack housing 112). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 1, the phrase "at least partially" renders the claim indefinite because it is unclear whether the material has a definite range between 100 to 900 MPa or if part of the range is in the specified 100 to 900 MPa.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Kobayashi et al (Pub No. US 2001/0001932 A1). Kobayashi discloses a motor 30

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attached to a housing 6, a moving shaft 13, an input shaft 2, an absorbing member 49 (shown in figs 4A to 4D) being attached to the moving shaft, wherein the absorbing member includes a metal member 144 and a rubber elastic member 147. Although not stated, rubber is known to have a young's modulus that is in the range of 100 to 900 MPa range and thus, it is inherent. Kobayashi discloses metal members having D-shaped holes, wherein the elastic members are connected to the metal members via D-shaped holes. Kobayashi also discloses an elastic member being able to be disposed between the metal member and the moving member (fig 3) and being able to be brought into contact with the housing.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tatewaki et al (Pub No. 2003/0000766 A1) discloses a power steering device having features in common with the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Nguyen whose telephone number is (571) 272-1361. The examiner can normally be reached on 7-5:30 M - Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael T Nguyen
Examiner
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MTN
9/13/2005

A handwritten signature in black ink, appearing to read 'Lesley D. Morris', with a stylized 'DM' monogram at the end.

LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600